IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO.186 OF 1995

In

NOTICE OF MOTION NO.745 OF 1995

In

SHORT CAUSE SUIT NO.905 OF 1995

...

With

CIVIL APPLICATION NO.758 OF 1995

In

APPEAL FROM ORDER NO.186 OF 1995

In

NOTICE OF MOTION NO.745 OF 1995

In

SHORT CAUSE SUIT NO.905 OF 1995

Syndicate Bank : Appellant

(Orig. Plaintiff)

V/s.

State Bank of Indore & Anr. : Respondents

(Orig. Defendants)

...

Mr.Prakash Shinde i/b. M.V.Kini & Co., for the appellant.

Mr.G.S.Bhat for respondent no.1.

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CORAM : A.M. KHANWILKAR,J.

DATE : APRIL 19, 2006.

P.C.

1. Heard counsel for the parties.

2. This Appeal from Order is pending for hearing since 1995. It was admitted on 13.2.1995.

3. This appeal takes exception to the order passed by the trial Court dated 9.2.1995 in Notice of Motion no.745 of 1995 in Short Cause Suit no.905 of 1995 refusing to grant ad-interim injunction against respondent no.1. This Court while admitting the appeal passed ad-interim order on the same day i.e. on 13.2.1995 restraining the 1st respondent (defendant no.1) from making payment of the amount held by respondent no.1 at their Mhow Branch under Special Term Deposit no.1029047/188/93 dated 1.5.1993 matured on 11.5.1994 at maturity value of Rs.40,125/- to the 2nd respondent and further restraining the 2nd respondent from receiving the same. The respondents have suffered this order since 1995. It is common ground that the Notice of Motion is still pending for hearing since 1995, perhaps on account of the pendency of the present Appeal from Order.

4. In the circumstances, keeping the issues open, the ad-interim arrangement as ordered by this Court on 13.2.1995 will operate between the parties till the

disposal of the Notice of Motion. The trial Court is directed to finally dispose of the Notice of Motion by the end of June 2006, keeping in mind that the Notice of Motion is pending since 1995. It is also common ground that the suit is also ready for hearing before the trial Court. Even the suit may be proceeded further, in accordance with law. It may be decided expeditiously.

5. The appeal as well as the accompanying Civil Application are disposed of on the above terms. No order as to costs.

A.M.KHANWILKAR, J.